



PUBLIC NOTICE

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ENFORCEMENT BUREAU REQUESTS LETTERS OF INTENT TO BECOME THE REGISTERED INDUSTRY CONSORTIUM FOR TRACEBACKS

EB Docket No. 20-22

Letters of Intent Date: May 20th, 2022

Comment Date: June 3rd, 2022

Reply Comments Date: June 10th, 2022

The Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act). requires the Federal Communications Commission (Commission) to “establish a registration process for the registration of a single consortium that conducts private-led efforts to trace back the origin of suspected unlawful robocalls.”¹ Commission rules require any new consortium that seeks to be selected as the single registered consortium to file a Letter of Intent to conduct private-led traceback efforts. The incumbent is not required to file a Letter of Intent.² The Commission directed the Enforcement Bureau (Bureau) to issue a public notice, no later than April 28th of each year, seeking such registrations.³

By this Public Notice, the Bureau requests interested consortia to provide Letters of Intent in accordance with the Commission’s rules and the *Consortium Registration Order*. We also invite comment on those Letters of Intent.

Background. Unlawful prerecorded or artificial voice message calls—robocalls—plague the American public. In many instances, unlawful robocalls include inaccurate or misleading caller identification information, known as spoofed caller ID. The spoofed caller ID makes it more difficult to identify the source of the call. In order to enforce the laws prohibiting illegal robocalls, government and industry work together to trace unlawful spoofed robocalls to their origination—a process known as “traceback.” Congress acknowledged the beneficial collaboration between the Commission and the private sector on traceback issues and, in section 13(d) of the TRACED Act, required the Commission to register a single consortium to conduct private-led traceback efforts to trace back suspected unlawful robocalls.

¹ Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. No. 116-105, 133 Stat. 3274 (2019) (TRACED Act), § 13(d)(1).

² *Implementing Section 13(d) of the Pallone-Thune Robocall Abuse Criminal Enforcement and Deterrence Act*, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd 3113, 3116, para. 12 (2020) (*Consortium Registration Order*).

³ *Consortium Registration Order*, 35 FCC Rcd at 3115, para. 9; see 47 CFR § 64.1203.

The Commission set forth a set of principles for the Bureau to use in selecting the registered consortium and to ensure that the registered consortium complies with the statutory requirements.⁴ The current registered consortium is USTelecom – The Broadband Association’s Industry Traceback Group (ITG).⁵

Letter of Intent Requirements. The TRACED Act requires that the Commission consider new interested consortia on an annual basis.⁶ The Bureau requests interested consortia, other than the incumbent registered consortium, to provide Letters of Intent in accordance with the Commission’s rules and the *Consortium Registration Order*.⁷ The Letter of Intent must demonstrate that it satisfies the statutory requirements necessary to serve as the single registered consortium.

Any consortium must: (1) demonstrate that it is a neutral third party; (2) demonstrate that it is competent to manage the private-led traceback efforts; (3) include its written best practices, and an explanation thereof, regarding management of its traceback efforts and the participation of voice services providers in the consortium’s traceback efforts; (4) certify that, consistent with section 222(d)(2) of the Communications Act, the consortium’s efforts will focus on fraudulent, abusive, or unlawful traffic; and (5) certify that the consortium has notified the Commission that it intends to conduct traceback efforts in advance of registration as the single registered consortium.⁸ The Letter of Intent must also include a certification that, if selected to be the single registered consortium, the consortium will remain in compliance with the statutory requirements; conduct an annual review for compliance; and promptly notify the Commission of any changes that reasonably bear on its certification.⁹ The Bureau will select as the single registered consortium the entity that best meets these requirements and the principles the Commission identified in the *Consortium Registration Order*.¹⁰

The incumbent registered consortium does not need to file a new Letter of Intent.¹¹ The certifications contained in the registered consortium’s initial Letter of Intent will continue in effect for each subsequent year unless the incumbent consortium notifies the Commission otherwise in writing on or before May

⁴ *Consortium Registration Order*, 35 FCC Rcd at 3117-22, paras. 15-29 (discussing the Commission’s interpretation of section 13(d) of the TRACED Act).

⁵ In 2020, USTelecom – The Broadband Association’s Industry Traceback Group (ITG) was the only applicant to file a Letter of Intent for the role of consortium. See Letter of Intent from Patrick Halley, Senior Vice President of Policy & Advocacy, USTelecom, and Jessica Thompson, Manager of Policy & Advocacy, USTelecom, to Marlene H. Dortch, Secretary, Federal Communications Commission, EB Docket No. 20-22 (filed May 21, 2020) (USTelecom Letter of Intent). On July 27, 2020 the Bureau selected ITG as the registered consortium. See *Implementing Section 13(d) of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act)*, EB Docket No. 20-22, Report and Order, 35 FC Rcd 7886, 7886-87, para. 3 (EB 2020) (*2020 Consortium Selection Order*). In response to the Commissions’ Annual Public Notice of 2021, ZipDX LLC (ZipDX) submitted a Letter of Intent to be designated as the registered consortium. See Letter of Intent from David Frankel, CEO, ZipDX LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission, filed May 27, 2021 (ZipDX Letter of Intent). The ITG was not required to submit a Letter of Intent as the incumbent. On August 21, 2021, after thorough consideration of all the statutory requirements, as well as commenters’ input, the Bureau retained the ITG as the registered consortium. See *Section 13(d) of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act)*, EB Docket No. 20-22, Report and Order, DA 21-1047 (EB Aug 25, 2021) (*2021 Consortium Selection Order*).

⁶ See TRACED Act § 13(d)(2).

⁷ See 47 CFR § 64.1203(b); *Consortium Registration Order*, 35 FCC Rcd at 3115, paras. 10-11.

⁸ See 47 CFR § 64.1203(b)(1)-(4); *Consortium Registration Order*, 35 FCC Rcd at 3115, para. 11.

⁹ See *Consortium Registration Order*, 35 FCC Rcd at 3116, para. 13; see also 47 CFR § 64.1203(b)(5).

¹⁰ See *Consortium Registration Order*, 35 FCC Rcd at 3121, para. 28.

¹¹ See *Consortium Registration Order*, 35 FCC Rcd at 3116, para. 12.

20th, 2022.¹² If any entity files a Letter of Intent, the Bureau will seek comment on each of the applicants, including the incumbent. The Bureau will select the single registered consortium by August 18, 2022.

Registration Process. Letters of Intent must be submitted electronically via ECFS (<http://apps.fcc.gov/ecfs/>) in EB Docket No. 20-22. If consortia wish to include confidential information as part of their Letters of Intent, they must submit: (1) a redacted, public version via ECFS; and (2) a non-redacted, confidential version electronically to the Enforcement Bureau. Filing consortia should contact Kristi Thompson by phone (at 202-418-1318) or e-mail (kristi.thompson@fcc.gov) to arrange electronic submission of the non-redacted version. Confidential material must be marked as such and requests for confidential treatment must conform to the requirements of section 0.459 of the Commission's rules.¹³

Deadline to Submit Letters of Intent. May 20th, 2022

Request for Comments and Reply Comments on Selection of Traceback Consortium. The Bureau invites interested parties to comment on the submission of Letters on Intent filed by interested consortia, as well as on the continuation of USTelecom ITG as the single registered consortium. Pursuant to sections 1.415 and 1.419 of the Commission's rules,¹⁴ interested parties may file comments on or before June 3rd, 2022. Reply comments are due June 10th, 2022. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).¹⁵

Submission Process. Pursuant to sections 1.415 and 1.419 of the Commission's rules,¹⁶ interested parties may file comments on or before the date indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).¹⁷

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701, U.S.
- Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals and to mitigate the transmission of COVID-19.¹⁸

¹² *Consortium Registration Order*, 35 FCC Rcd at 3116, para. 12.

¹³ 47 CFR § 0.459.

¹⁴ 47 CFR §§ 1.415, 1.419.

¹⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (May 1, 1998).

¹⁶ 47 CFR §§ 1.415, 1.419.

¹⁷ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (May 1, 1998).

¹⁸ See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (OMD 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

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Deadline to Submit Comments. June 3rd, 2022.

Deadline to Submit Reply Comments. June 10th, 2022.

Additional Information. For further information, contact Kristi Thompson, Chief, Telecommunications Consumers Division, Enforcement Bureau, at 202-418-1318 or kristi.thompson@fcc.gov.